

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL A. JACKSON,

Plaintiff,

v.

TAYLOR YOUNG *et al.*,

Defendants.

Case No. C07-5480RBL

ORDER ON PENDING
MOTIONS

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court are six motions filed by plaintiff. In the first three motions Mr. Jackson asks the court to again serve all defendants (Dkt # 25, 26, and 27). He also asks the court to inform him of the status of his motions and filings. The court will address these three motions before the other three.

A brief overview of the pleadings in this case may be of benefit to the plaintiff. The case was filed

1 in September of 2007. A motion to file an amended complaint was filed prior to the court granting plaintiff
2 permission to proceed *in forma pauperis* (Dkt. # 4). On September 24, 2007, plaintiff was granted leave to
3 proceed *in forma pauperis*. His motion to file an amended complaint was also granted and the court
4 specifically informed plaintiff:

5 Plaintiff is reminded that the court must have a copy of the complaint for each
6 defendant plaintiff wishes the court to attempt to serve. If plaintiff names any new
7 defendants, the court will also need a filled out Marshals service form for the new
8 defendant. The amended complaint will be due on or before **October 26, 2007**.

9 (Dkt. # 9). An amended complaint was filed October 29, 2007 (Dkt # 12).

10 Plaintiff also filed a motion to serve all defendants, a motion for the clerk to “electronically serve
11 defendants,” a motion for an order appointing counsel, and a demand for jury trial (Dkt # 13, 14, 16, 19,
12 and 20).

13 On November 28, 2007, the court entered an order directing service on all defendants for whom
14 plaintiff had provided a Marshal’s form (Dkt. #23). The court also denied plaintiff’s motion to serve all
15 defendants as moot. The court denied the motion to electronically serve, and the motion for appointment
16 of counsel (Dkt. # 24). This order was filed November 28, 2007. Seven days later, plaintiff re-filed a
17 motion to serve all defendants. He also filed a motion to have the court inform him of the status of his
18 motions, and a motion for information regarding filing of Marshal forms (Dkt # 25, 26, and 27). On
19 January 4, 2008, defendant R. Daniels returned a waiver of service form and appeared in this action (Dkt #
20 36). No other defendant has yet to appear.

21 The motions regarding service, (Dkt # 25, 26, and 27), are **DENIED**. The court has entered an
22 order of service and is now waiting to see which defendants appear. The order directed service on all
23 defendants for whom plaintiff provided a Marshals form. Further, plaintiff is warned that repetitive
24 motions may result in sanctions. The court needs to wait and see who accepts service.

25 Turning to plaintiff’s other three motions, plaintiff has filed a motion to delay the case so he can get
26 a professional medical opinion, (Dkt # 29), a motion to change the case to a criminal case, (Dkt # 31), and
27 a motion to “Turn this case over to the Federal Criminal Court” for prosecution (Dkt # 34).

28 The motion to delay the action, (Dkt # 29), is **DENIED**. Incarceration in and of itself does not
prevent plaintiff from seeking a medical or mental health professional to provide him with an opinion.
Plaintiff may wish to consult the Federal Rules of Civil Procedure.

1 The two motions to have this action converted to a criminal action and turn the case over for
2 prosecution are also **DENIED**. Plaintiff lacks the legal authority to initiate criminal proceedings. Criminal
3 proceedings may only be initiated by a person with the appropriate legal authority to file such actions.
4 These people are usually, the County Prosecutor, the State Attorney General's Office, or the United States
5 Justice Department.

6 The Clerk is directed to send a copy of this Order to plaintiff and remove Dkt. # 25, 26, 27, 29, 31,
7 and 34 from the court's calendar.

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9 DATED this 9 day of January, 2008.

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11 /S/ J., Kelley Arnold
12 J. Kelley Arnold
13 United States Magistrate Judge
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